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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 IN RE: FIRST NATIONAL COLLECTION
BUREAU, INC. TELEPHONE CONSUMER
17 PROTECTION ACT (TCPA) LITIGATION

MDL No. 2527

18 THIS DOCUMENT RELATES TO:
19 ALL CASES

Case No. 2:14-CV-557-KJD-CWH
(Base File)

20
21 **STIPULATION FOR EXTENSION OF TIME**
(First Request)

22 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, and Civil Local Rules 6-1 and
23 26-4, Plaintiffs Jessica Beell, Claudette Neal, and Nanette Hunter ("Plaintiffs") and Defendant
24 First National Collection Bureau, Inc. ("FNCB") (collectively "the Parties") hereby stipulate and
25 agree to jointly move the Court for an Order modifying and extending the dates set forth in the
26 Court's Scheduling Order dated June 14, 2014. (Dkt. 9.) In support of their joint motion, the
27 Parties state as follows:
28

1 1. On June 16, 2014, this Court entered its Scheduling Order, holding that discovery
2 would proceed in a non-bifurcated fashion, and adopting the dates set forth in the Parties'
3 proposed Joint Discovery Plan. (Dkt. 9.)

4 2. Pursuant to that Order, the Court established a fact discovery cutoff date of April
5 21, 2015, and a February 27, 2015 deadline for Plaintiffs to file their motion for class certification,
6 among others. (Dkt. 5 at 5–6.)

7 3. Since the Court entered its Scheduling Order, the Parties have diligently attempted
8 to meet those deadlines and complete discovery, while simultaneously negotiating the potential
9 resolution of plaintiffs' claims, and otherwise continuing to confer on their respective views of the
10 claims and defenses at issue.

11 4. Specifically, Plaintiffs have served Interrogatories, as well as seventy-nine
12 Requests for the Production of Documents. The Parties are in the process of evaluating Plaintiffs'
13 discovery requests, and have agreed that Defendant may provide a rolling production of
14 responsive documents. Additionally, pursuant to the Court's Scheduling Order, Plaintiffs have
15 disclosed to FNCB the identity of their expert, and have agreed that Defendant's disclosure shall
16 follow its document production.

17 5. Once Defendant's production is complete, the Parties will need to take the
18 appropriate depositions, including expert depositions.

19 6. Despite the Parties' efforts to proceed efficiently, and in light of their ongoing
20 efforts toward potential resolution, they require an extension of the dates set forth in the
21 Scheduling Order. Specifically, because of the volume of documents encompassed by Plaintiffs'
22 discovery requests, the Parties will not be able to complete the remaining discovery in compliance
23 with the deadlines established by the Scheduling Order. As such, good cause exists to modify the
24 Court's scheduling order. *See Visa Intern. Service Ass'n v. JSL Corp.*, No. 01-cv-294, 2006 WL
25 3249384, at *4 (D. Nev. Nov. 7, 2006) (finding good cause where party seeking extension had
26 conducted discovery and no prejudice would result from extension). Accordingly, the Parties
27 request that this Court enter its Order, modifying the June 16, 2014 Scheduling Order, and
28 providing for an extension of seventy-five (75) days for all remaining dates set forth in that

1 Scheduling Order.

2 7. This motion is not being made for purposes of delay, and it is the Parties' first
3 requested extension of time. The Parties believe that the relief requested herein will enable them to
4 complete the outstanding discovery, continue to attempt to resolve the consolidated actions, and to
5 otherwise prepare to proceed with the litigation of this matter.

6 WHEREFORE, the Parties jointly move this Court to enter an order extending all
7 remaining dates set forth in its existing Scheduling Order by seventy-five days, establishing the
8 following deadlines;

- 9 • Deadline to Complete Class and Merits Discovery: July 6, 2015;
- 10 • Deadline for Completion of Expert Discovery Relating to Class Certification: April
11 22, 2015;
- 12 • Plaintiffs' Deadline to File Motion for Class Certification: May 13, 2015;
- 13 • Defendant's Deadline to File Opposition to Motion for Class Certification: June 3,
14 2015;
- 15 • Plaintiffs' Deadline to File Reply in Support of Motion for Class Certification: June
16 17, 2015.

17 and granting any further relief it deems equitable and just.

18 IT IS SO STIPULATED

19 **Dated:** February 6, 2015

Dated: February 6, 2015

20 s/ J. Dominick Larry

s/ Amy P. Maclear

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15 *Attorneys for Plaintiff Nanette Hunter*

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IT IS SO ORDERED

UNITED STATES DISTRICT
JUDGE

Dated: _____

CERTIFICATE OF SERVICE

I, J. Dominick Larry, an attorney, certify that on February 6, 2015, I served the above and foregoing by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF system.

s/ J. Dominick Larry